

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BECKLEY

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 5:17-00113-16

JONATHAN VINCENT MOORE

MEMORANDUM OPINION AND ORDER

Before the court is defendant's motion for bond. ECF No. 508. Essentially, defense counsel requests that because Jonathan Vincent Moore has pled guilty and faces a lengthy prison sentence the court allow him to be placed on home confinement before sentencing. Id. On March 13, 2018, Moore pled guilty to possession with the intent to distribute 500 grams or more of cocaine in violation of 21 U.S.C. § 841. ECF No. 482. According to the sentencing guidelines, Moore faces a mandatory minimum term of five (5) years imprisonment,<sup>1</sup> with a maximum prison term of 40 years. The government opposes the motion. ECF No. 513.

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<sup>1</sup> While defense counsel alleges that Moore has a minimal criminal history, (see ECF No. 508), the motion fails to allege that the mandatory minimum term of imprisonment does not apply due to the "statutory safety valve" under 18 U.S.C. § 3553(f).

To release a defendant who has pled guilty and awaits imposition of his sentence, the court must find by clear and convincing evidence that the defendant "is not likely to flee or pose a danger to the safety of any other person in the community." 18 U.S.C. § 3143(a). Defendant's motion fails to overcome this burden as the court finds that there exist no condition or number of conditions which will reasonably assure Moore's presence at the July 11, 2018 sentencing hearing and reasonably assure the public safety. Accordingly, the motion is **DENIED.**

The Clerk is directed to forward a copy of this Memorandum Opinion and Order to counsel of record, the United States Marshal for the Southern District of West Virginia, and the Probation Department of this court.

**IT IS SO ORDERED** this 10th day of May 2018.

ENTER:

A handwritten signature in dark ink, appearing to read "David A. Faber", is written over a horizontal line.

David A. Faber  
Senior United States District Judge